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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
(SAN FRANCISCO DIVISION)**

IN RE: BEXTRA AND CELEBREX) MDL CASE NO.: 05-CV-1699
MARKETING SALES PRACTICES AND)
PRODUCT LIABILITY LITIGATION)

ACQUAROLE, et al.,) CASE NO. CGC-06-449463
) MDL Case No. 06-2392 C.R.E.

Plaintiffs,) **STIPULATION AND ORDER OF**
vs.) **DISMISSAL WITH PREJUDICE**
) **AS TO PLAINTIFF ED TUCKER**

Pfizer, Inc., et al.)

Defendants.)
)

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COME NOW, Plaintiff ED TUCKER and Defendants PFIZER, INC., et al., by and through the undersigned attorneys, pursuant to Federal Rule of Civil Procedure, Rule 41(a), and

**STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE
AS TO PLAINTIFF ED TUCKER**

1 hereby stipulate to the dismissal of Plaintiff ED TUCKER from this action, with prejudice, each
2 side bearing its own attorney's fees and costs.

3
4 Respectfully submitted,

5 Dated: September 24, 2009

6 **KABATECK BROWN KELLNER LLP**

7
8 By: _____
9 Brian S. Kabateck, Esq.
Attorneys for Plaintiff ED TUCKER

10 Dated: October 27, 2009

11 **DLA PIPER LLP**

12
13 By: _____ /S/
14 Matthew A. Holian
15 Attorney for Defendants PFIZER, INC., et al.

16 **ORDER**

17
18 **PURSUANT TO THE TERMS SET FORTH IN THE PARTIES' STIPULATION, IT IS**
19 **SO ORDERED.**

20 Dated: OCT 29 2009

21
22 Honorable Charles R. Breyer
United States District Court